

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

HILTON LLOYD KELLER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:06-CV-661
)	
ADRIAN FEINERMAN and DR. ELYEA,)	
)	
Defendants.)	

ORDER

RICHARD MILLS,¹ U.S. District Judge:

Before the Court are Plaintiff Hilton Lloyd Keller's Motion for Settlement Conference [d/e 87] and the Plaintiff's Motion for Order to Vacate Orders of Recusal, to Expunge the Letter from the Record, Vacate the Order Granting Defendant Dr. Elyea's Motion for Summary Judgment, and to Reassign Matter back to Judge Gilbert [d/e 90].

I. Motion for Settlement Conference

The Plaintiff moves the Court to set a settlement conference in this matter.

¹Honorable Richard Mills, United States District Judge for the Central District of Illinois, sitting by designation.

The Defendant does not consent to a settlement conference at this time.

Accordingly, the Court will not impose a settlement conference upon an unwilling party. See Aland v. Salazar, No. 1:08-CV-00024-EJL, 2010 WL 3735490, at *3-*4 (D. Idaho Sept. 16, 2010).

II. Motion for Vacature, Recusal, and Reassignment

The Plaintiff claims that he did not author or send the threatening letter contained at Docket Entry 79-1, and further claims that “he has been severely prejudiced by having this matter reassigned to Judge Mills because Judge Gilbert had not previously made any substantive ruling against him.”

The Court notes that both Judge J. Phil Gilbert and the undersigned took the same oath of office upon becoming district judges. See 28 U.S.C. § 453 (“I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as [United States District Judge] under the Constitution and the laws of the United States.”).

Therefore, the reassignment of the case from one district judge to another did not prejudice the Plaintiff. The Plaintiff’s claim of prejudice is based upon sheer speculation that Judge Gilbert would rule differently than the undersigned.

The Court, in its discretion, denies the Plaintiff’s Motion, with leave to move

again for the expungement of the letter [79-1] at the close of the case, if additional information has come to light regarding authorship.

III. Conclusion

Ergo, the Plaintiff's Motion for Settlement Conference [d/e 87] and the Plaintiff's Motion for Order to Vacate Orders of Recusal, to Expunge the Letter from the Record, Vacate the Order Granting Defendant Dr. Elyea's Motion for Summary Judgment, and to Reassign Matter back to Judge Gilbert [d/e 90] are DENIED.

IT IS SO ORDERED.

DATED: April 19, 2011

/s/ Richard Mills
RICHARD MILLS
United States District Judge